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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,957	01/05/2004	Kenichiro Yano	1767-121	2025
<div>23117 7590 05/03/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203</div> <div>EXAMINER BEHNCKE, CHRISTINE M</div> <div>ART UNIT PAPER NUMBER 3661</div> <div>MAIL DATE DELIVERY MODE 05/03/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,957

Applicant(s)

YANO ET AL.

Examiner

Christine M. Behncke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,9-15,17,18,20,21 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9-15,17,18,20,21 and 23-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 and 08 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 9 February 2007, in which claims 1-3, 9-15, 17, 18, 20, 21, and 23-29 were presented for examination.

Response to Arguments

2. Applicant's arguments with respect to newly amended claims 1, 9, 11, 17, 20 and 23 have been considered but are not considered persuasive. Applicant contends that there is no disclosure in Ito et al. for determining whether there is block map data to be deleted when a portable recording medium is mounted on a reading device. The Examiner respectfully disagrees, Ito describes determining if there is map data to be deleted after a portable recording medium is mounted on a reading device after being removed, in the broadest reasonable interpretation of the claim as the claim language does not explicitly further limit the selection of deleted map data or the condition of the portable recording medium being mounted on a reading device after being removed thereof.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 9, 11, 17, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norimoto, US 6,820,001, in view of Ito et al., US 5,944,768, in further view of Harada, US 6,202,025.

(**Claims 1, 9 and 11**) Norimoto discloses a navigation apparatus, method and recording medium comprising a program to be read by a computer comprising: an acquisition device and step for acquiring the current position of a moving body (vehicle position detecting unit 325); a registration device and step for registering a destination (remote controller 4, Column 6, lines 61-63); a reading device in which a portable recording medium having block map data recorded thereon is mounted (disk unit 1, map units) and which reads at least the block map data recorded on the portable recording medium (column 6, line 61-column 7, line 14), the block map data formed by dividing an entire map into a plurality of blocks (Figure 4); a setting device and step for setting a route to the destination based on the acquired current position, the registered destination and the recorded block map data (route determining unit 324); a memory device (data buffer 2); and a transfer device and recording step (map data management unit 31) for setting the block map data belonging to a geographical range that includes a road set as the route (column 1, lines 55-63 and column 8, line 54-column 9, line 9); wherein the geographical range of the block map data surrounding a predetermined point on the set route is wider than the geographical range of the block map data surrounding another point on the set route (a detected junction on the throughway, Column 10, lines 34-45 and Figure 4), and a route guidance device and step for performing the route guidance based on the set route and the block map data stored in the memory device (column 7, lines 23-41), wherein the route guidance device performs the route guidance based on block map data stored in the memory device prior to when the portable recording medium is removed from the reading device (column 6, line 61-

column 7, line 6). Norimoto does not disclose wherein the transferring of map data is during the route guidance along the set. However, Ito et al. teaches a vehicle navigation system wherein map data is transferred from a portable recording medium to a memory device (Figure 6) and for transferring the map data from the portable memory medium to the memory device during route guidance along the set route (column 3, lines 44-55 and column 5, lines 57-67); a delete device for deleting block map data in the memory device (column 10, lines 50-58); wherein the transfer device interrupts transferring set block map data when the portable recording medium is removed from the reading device during the route guidance (column 10, lines 9-12), and when the portable recording medium is mounted on the reading device again after the removing thereof, the delete device determines whether there is block map data stored in the memory device that is to be deleted and then deletes any such block map data (column 10, lines 50-58), and the transfer device transfers map data based on a route to the destination from the current position of the moving body acquired when the portable recording medium is mounted again (column 4, lines 38-53).

(Claims 17, 20 and 23) Ito et al. further teaches wherein the setting device resets the route based on the map data which is already stored in the memory device (Figure 6, column 10, lines 13-31).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the system of Norimoto with the teachings of Ito et al. because as Ito et al. suggests the automatic rerouting with a new portable memory increases the convenience of the navigation device so the user does not have to continuously enter

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the destination and current position with each replacement (column 2, lines 28-45) and memorization of map data smoothes the transition from one navigation map routing to another, decreasing the time lag before acquiring the more useful information (column 3, lines 36-55).

Claim Rejections - 35 USC § 103

4. Claims 2, 3, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norimoto in view of Ito et al. as applied to claims 1, 9 and 11 above, and further in view of Katayama et al, US 6,324,471.

(**Claims 2, 10 and 12**) Norimoto in view of Ito et al. discloses the navigation apparatus and method of transmitting a geographical range of block map data to the memory device, wherein the range around a predetermined point on the route is wider than other points. Neither Norimoto nor Ito et al. disclose wherein the predetermined point is the destination. However, Katayama et al. teaches wherein the geographical range of the map data surrounding the destination on the set route is wider than the geographical range of the map data surrounding the other point on the set route (Figure 3, destination is marked by P_n , other point is marked as the interposition section).

(**Claims 3, 13 and 14**) Katayama et al. further teaches wherein the geographical range of the map data surrounding the destination on the set route and of the current position of the moving body when the route is set wider than the geographical range of the map data surrounding the other point on the set route (Figure 3, destination is marked by P_n , starting position is marked by P_1 , other point is marked as the interposition section).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the system of method of Norimoto, in view of Ito et al., with the teachings of Katayama et al. because Norimoto suggests it is advantageous to transfer additional map data to the memory device around an area where the user has an increased chance of changing their destination or accidentally detouring from the set route (column 10, lines 34-55), however the amount of additional data should be limited to these areas to keep the amount of data stored below the memory's limit (column 2, lines 64-67). Similarly, Katayama et al. teaches the additional area around the destination, starting and waypoint positions are areas of a likely detour, but by not transferring all available map data there is less likelihood of an inability to accommodate the retrieve map information (column 1, lines 18-28 and column 6, lines 1-15).

Claim Rejections - 35 USC § 103

5. **Claims 15, 18, 21, 24, 26, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Norimoto in view of Ito et al as applied to claims 1, 9, and 11 above, and further in view of Harada, US 6,202,025.

Norimoto in view of Ito et al. discloses the navigation apparatus and method of transmitting a geographical range of block map data to the memory device. However, neither reference discloses deleting stored and spent map data when there is not enough space for storing all the set map data. However, Harada teaches the transmission and storage of map data from an external source to an internal memory of a vehicle for navigating a vehicle to a predetermined destination (abstract); the vehicle navigation device including a delete device that deletes stored and spent block map

data for the route guidance from a memory device when there is not enough space for storing all of the set block map data in the memory device (column 2, line 25-column 3, line 45), and wherein a transfer device interrupts transferring the set block map data when there is not enough space for storing all of the set block map data in the memory device (column 8, line 63-column 9, line 15), and transfers set block map data not previously transferred after the delete device deletes the stored and spent block map data for the route guidance (column 8, lines 21-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Harada with the invention of Norimoto in view of Ito et al., because as Harada suggests it was well known that a vehicle navigation system has a limited amount of memory space for which to store navigation data, in order to not overflow the memory capacity, it was well known that the easiest way to enlarge vacancy in the memory device is to delete some of the stored map data and it is more efficient to delete map data that is not often or will be required (column 1, lines 48-67). Although Harada teaches the transmission of map data from an external source, specifically a server, it would have been obvious to one of ordinary skill that the storage capacity of the transferred data in the vehicle navigation memory for any external source, such as a portable memory recording medium, is a need to be planned for and the teachings of expanding the vacancy of the navigation memory as suggested by Harada are directly applicable.

Claim Rejections - 35 USC § 103

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6. **Claims 25, 27, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Norimoto in view of Ito et al. as applied to claims 1, 9 and 11 above, and further in view of Nimura et al., US 6,125,323.

Norimoto in view of Ito et al. discloses the navigation apparatus and method of transmitting a geographical range of block map data to the memory device. Neither reference discloses wherein the block map data set by the transfer device is based at least partly on past traveling conditions of the vehicle. However, Nimura teaches wherein the route searching process processes the optimum route to a set destination at least partly on past traveling conditions of the moving body (column 15, lines 49-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to set the map setting data at least in part on the past traveling conditions of the vehicle because, as Nimura suggests, factoring the past traveling conditions allows the navigation system to provide potentially the shortest route or at least the most preferred route to the user to allow the user the option of traveling in their most comfortable environment (column 15, lines 49-61, column 45, line 63-column 46, line 10).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

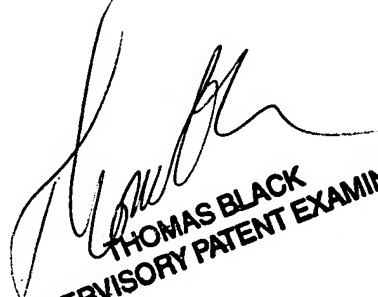
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB



THOMAS BLACK
SUPERVISORY PATENT EXAMINER